

Good morning. My name is Kris Schermele Lane. I am a commercial real estate broker and property manager and own offices both in Missoula and Helena. I have two children ages 13 and 11 and have maintained sole custody of them the last 2.5 years.

I am here today to propose legislation mandating State licensing, education and oversight of the GAL profession. I went through a divorce 4 years ago in Missoula County. My ex-husband is an alcoholic and had not worked for the last several years of our marriage. After continued emotional and physical abuse he threatened my life and I made the decision to move my children and myself from the home. I filed for divorce, an Interim Parenting Plan was agreed to, and the Court appointed a Guardian Ad Litem due to the nature of the abuse. Their father shared custody 2 days per week for a couple of hours and every other weekend. The GAL was immediately provided the alcohol assessment reports that were conducted, the background of the marriage, as well as \$3000 in upfront fees as required by the Court. Over the course of the next two years, our GAL only interviewed my children two times and visited our home only once. Pursuant to the terms of the Parenting Plan, neither parent was to consume alcohol prior to or during their time with the children. The children's father continued to violate this order and verbally and emotionally abuse the children while in his care. To the extent that my attorney filed more than 6 Contempt of Court actions during a 2 year period as a result of the abuse and drinking. Not once did our GAL address the issue with the children's best interest at hand. Not once did he push to find their father in contempt, not once did he hold him accountable, not even when the court was presented with photos of bruising on my son's side from being drug down 5 stairs by his father while drunk. The Parenting Plan also called for a week of vacation for each parent during summer break. My children's vacation week with their father ended with him beating them with a jump rope because they refused to go to a party with him late Saturday night after he had been drinking. He then told them it was their fault, if they told me or anyone else they would never see him again and he would go to jail. He hid their cell phones and refused to allow them to speak with anyone until I picked them up Sunday evening. I immediately contacted our GAL and this was his reply email to me, "Kris:

If the children are in this sort of imminent danger, then you need to contact 911 right away."

He didn't even bother calling me back. It was only after taking my children to St. Pats Hospital's First Step Program, having them interview with the Sheriff's Department and Child and Family Services, and the counselor pleading with the court that their father lost all visitation rights. Our GAL was still hesitant to step up and protect my children. I would call him for weeks on end and never get a return call.

After my pleading and letters from numerous counselors and my attorney, the GAL advised the court to temporarily terminate their father's custody. Several months later their father requested the GAL be removed from the case, and the GAL agreed, but only if the court paid him an additional \$8000 out of the proceeds from the sale of our home. I had never once seen an invoice or statement from him over the course of the previous 2 years. The Judge agreed to the removal of the GAL and payment of the invoice, despite my objections. Overall, we paid the GAL in excess of \$11,000.

What I don't understand is that in the State of Montana, you cannot legally cut hair, paint fingernails, plumb a house, provide mortgage or real estate services, or represent any party in court without extensive education, testing, licensing and ongoing education and regulation by the State of Montana. However, anyone can be a Guardian ad Litem, remove a parent's ability to protect their children and represent the "best interest" of children with absolutely no oversight by anyone. There is no ethics committee to enforce ethical behavior and review complaints by the public, no licensing board ensuring only those qualified can practice and that continuing education and ethics are ongoing, and there is no

professional board ensuring that the public is not being taken advantage of. Why? Are our children not worthy of the same protection as someone getting their fingernails painted?

What I am asking for today is the same requirement for GAL's that every other professional adheres to:

To be licensed, abide by a set of Ethical standards, obtain quality education prior to obtaining a license, and obtain annual continuing education, all order to protect the public, especially our children who cannot protect themselves.